

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

v.

Plaintiff,

GUSTAVO CARAPIA,

Defendant.

ORDER OF DETENTION PENDING TRIAL

W.D. Wis. Case No. 07-59M-X

N.D. Ga. Case No. 1:05-CR-402-CAP

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On June 19, 2007, this court held a hearing pursuant to 18 U.S.C. §3142(f) on the government's motion to detain defendant Gustavo Carapia pending his removal to and trial in the Northern District of Georgia in this cocaine and marijuana trafficking case. Because the grand jury charged defendant with offenses for which a maximum term of imprisonment of ten years or more is prescribed in the Controlled Substances Act, § 3142(e) imposes a rebuttable presumption that no combination of release conditions will assure defendant's appearance and the safety of the community. The government proffered robust evidence of Carapia's involvement in the alleged conspiracy. Because of a prior conviction, defendant faces a daunting sentence if convicted; this would cause any rational person to consider fleeing rather than face the well-supported charges. Indeed, there is circumstantial evidence that defendant knew of the warrant for his arrest and that he may have known of his brother's conviction in this case, indicators that defendant was evading resolution of the charges. Defendant's proposed release plan did nothing to ameliorate the flight risk or danger to the community, thus leaving the presumption of detention un rebutted.

Therefore, it is ORDERED that the defendant is committed to the custody of the United States Marshals Service for transportation to the Northern District of Georgia and confinement there at a secure facility separate from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with his attorney. On order of this court or on request of an attorney for the Government, the facility shall deliver the defendant to the Marshals Service for the purpose of an appearance in this case.

Dated: June 19, 2007

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge